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PATENT
ATTORNEY DOCKET NO. VOSS1110

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

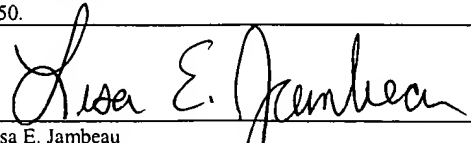
Applicant: Breier et al. Art Unit: 1636
Serial No.: 09/445,201 Examiner: D.M. Sullivan
Filed: April 12, 2000
Title: REGULATORY SEQUENCES CAPABLE OF CONFERRING
EXPRESSION OF A HETEROLOGOUS DNA SEQUENCE IN
ENDOTHELIAL CELLS IN VIVO AND USES THEREOF

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL SHEET

Transmitted herewith for the above-identified application please find:

1. A Request to Correct Inventorship in a Pending Application (2pgs);
2. Statement of Assignee Agreeing to Change of Inventorship (2 pgs);
3. Statement from Added Inventor Andreas Kappel that Inventorship Error
Occurred Without Deceptive Intent (2 pgs);
4. Copy of Assignment by Inventor, Andreas Kappel (3 pgs);
5. Declaration of Inventors, George Breier, Executor of Werner Risau Estate,
Volker Ronicke and Andreas Kappel (4 pgs)
6. Check No. 559606 in the amount of \$130.00; and
7. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, May 24, 2004, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
 Lisa E. Jambeau

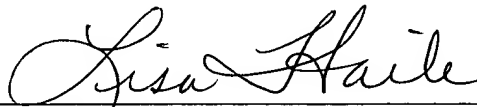
In re Application:
Breier et al.
Application No.: 09/445,201
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PATENT
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Enclosed is Check No.: 559606 in the amount of \$130.00 to cover the Request to Correct Inventorship fee. The Commissioner is authorized to charge any other required fees associated with the filings submitted herewith, or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this Transmittal Letter is attached.

Respectfully submitted,

Date: May 24, 2004



Lisa A. Haile, J.D., Ph.D.
Registration No.: 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

USPTO CUSTOMER NUMBER 28213
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133



PATENT
ATTORNEY DOCKET NO. VOSS1110

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Breier et al.
Serial No.: 09/445,201
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Title: REGULATORY SEQUENCES CAPABLE OF CONFERRING EXPRESSION
OF A HETEROLOGOUS DNA SEQUENCE IN ENDOTHELIAL CELLS IN
VIVO AND USES THEREOF

Art Unit: 1636
Examiner: D. M. Sullivan

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO CORRECT INVENTORSHIP IN A PENDING APPLICATION

UNDER 37 C.F.R. §1.48(a)

Sir:

The undersigned attorney of record requests to change the inventorship in the above-identified application to add Andreas Kappel as co-inventor. This co-inventor was inadvertently omitted from the original filing of the application.

As the attorney of record for the above-identified application, I acknowledge that Andreas Kappel contributed to the invention of the present application.

Accompanying this request is a statement by Andreas Kappel stating that the error in inventorship occurred without deceptive intention on his individual part. Additionally, this request is accompanied by a declaration signed by all actual inventors, a copy of an assignment

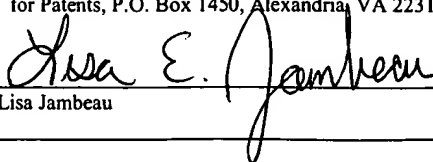
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CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on May 24, 2004, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Lisa Jambeau

Applicants: Breier et al.
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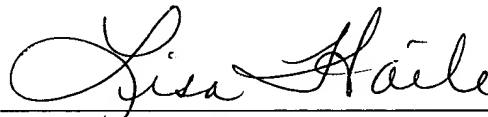
to Max-Planck-Gesellschaft zur Forderung der signed by Andreas Kappel and the written consent to change of inventorship by assignee Max-Planck-Gesellschaft zur Forderung der WISSENSCHAFTEN e.v..

In view of the above statements and the attachments, it is respectfully requested that the present application be amended, so that George Breier, Werner Risau, Volker Ronicke, and Andreas Kappel are properly set forth as the co-inventors of the present application.

A check is enclosed in the amount of \$130.00, in accordance with 37 C.F.R. §1.17(i). If any additional fee is deemed necessary, the Commissioner is authorized to charge (or apply any credits to) Deposit Account No.: 50-1355. The Examiner is invited to contact Applicants' undersigned representative if there are any questions related to this matter.

Respectfully submitted,

Date: May 24, 2004



Lisa A. Haile, J.D., Ph.D.

Registration No. 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO Customer Number 28213



PATENT
ATTORNEY DOCKET NO. VOSS1110

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Breier et al.	Art Unit:	1636
Serial No.:	09/445,201	Examiner	D. M. Sullivan
Filed:	April 12, 2000		
Title:	REGULATORY SEQUENCES CAPABLE OF CONFERRING EXPRESSION OF A HETEROLOGOUS DNA SEQUENCE IN ENDOTHELIAL CELLS IN VIVO AND USES THEREOF		

Commissioner for Patents
Washington, D.C. 20231

STATEMENT OF ASSIGNEE AGREEING TO CHANGE OF INVENTORSHIP

Sir:

The assignee, MAX-PLANCK-GESELLSCHAFT zur FORDERUNG der WISSENSCHAFTEN e.v., a corporation of Germany, having a place of business at Hofgartenstr. 8, 80539 Munchen, Germany, hereby consents to the Request for Correction of Inventorship under 37 C.F.R. 1.48(a), correcting the named inventors of the above patent.

Max-Planck-Gesellschaft zur Forderung der WISSENSCHAFTEN e.v., certifies that it is an assignee of the patent identified above by virtue of an assignment from the inventors thereof. A copy of the assignment is submitted herewith.

The undersigned has reviewed all the documents in the chain of title of the above-identified patent and, to the best of undersigned's knowledge and belief, title is in the named assignee.

The undersigned declares and states that they are an officer of assignee and empowered to sign this document on behalf of the assignee, that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be

Applicants: Breier et al. (as amended)
PATENT

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true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent.

Date: February 14, 2003

Christa Herzog

Print Name:

Christa Herzog

Head of Patent Dep.


Max-Planck-Gesellschaft zur Forderung der WISSENSCHAFTEN e.v.

Applicants: Breier et al.
PATENT
Appl. No.: 09/445,201
Filed: April 12, 2000
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Attorney Docket No. VOSS110

States Code and that such willful false statements may jeopardize the validity of this patent.

Dated: January 30, 2003



Andreas Kappel

ASSIGNMENT
(BY INVENTOR(S))

This assignment ("Assignment") is made by Andreas Kappel, of Wiesbadener, Germany (the "Assignors") to **MAX-PLANCK-GESELLSCHAFT zur FÖRDERUNG der WISSENSCHAFTEN e.v.**, a German corporation ("Assignee"), having a place at Hofgartenstr. 8, 80539 Munchen, Germany.

Recitals

A. Each of the Assignors has invented a new and useful invention entitled **REGULATORY SEQUENCES CAPABLE OF CONFERRING EXPRESSION OF A HETEROLOGOUS DNA SEQUENCE IN ENDOTHELIAL CELLS IN VIVO AND USES THEREOF** for which an application for United States Letters Patent was filed on April 12, 2000 in the United States Patent and Trademark Office.

B. Each of the Assignors authorizes and requests insertion of the serial number of the application when officially known:

The United States Application Serial No.: 09/445,201.

C. Each of the Assignors believes the Assignors to be the original, first and joint inventors of the invention disclosed and/or claimed in the application for Letters Patent.

D. The parties desire to have a recordable instrument assigning from the Assignors to the Assignee the entire rights, title and interest in and to the invention, the application and all Letters Patent in the United States and throughout the world that may be granted or issued for the invention or that derive a right of priority from the application (including, without limitation, all divisional, continuation, continuation-in-part and continued

prosecution applications thereof, and all reissues and reexaminations thereof, and all foreign counterparts thereof) (collectively, the "Invention Patents").

Agreement

NOW, THEREFORE, in accordance with the obligations to assign the Invention Patents and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each of the Assignors agrees to the foregoing and as follows:

1. Each of the Assignors does and will sell, assign and transfer to Assignee, such Assignor's entire rights, title, and interest in and to each of the Invention Patents, including, without limitation, the rights to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

2. Each of the Assignors agrees that, upon request and without further compensation, but at no expense to such Assignor, such Assignor and such Assignor's legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing each of the Invention Patents in the United States and throughout the world, and for perfecting, recording, or maintaining the title of Assignee, and Assignee's successors and assigns, in and to each of the Invention Patents in the United States and throughout the world. In the event that Assignee is unable for any reason to secure any of the Assignors' signatures to any document that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing each of the Invention Patents in the United States and throughout the world, or for perfecting, recording, or maintaining the title of Assignee, and Assignee's successors and assigns, in and to each of the Invention Patents in the United States and throughout the world, each such Assignor hereby irrevocably designates and appoints Assignee and Assignee's duly authorized officers and agents as such Assignor's agents and attorneys-in-fact to act for and on such Assignor's behalf

and instead of such Assignor to execute such document, all with the same legal force and effect as if executed by such Assignor.

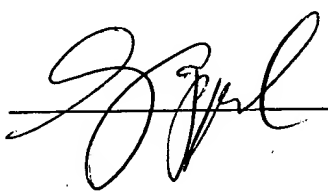
3. Each of the Assignors represents and warrants that such Assignor has not granted and will not grant to others either (1) any rights, title or interest in and to any of the Invention Patents, or (2) any rights inconsistent with the rights granted herein.

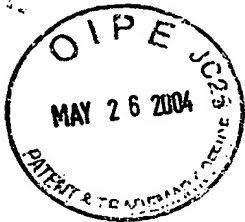
4. Each of the Assignors authorizes and requests the Assistant Commissioner for Patents of the United States and the various counterparts thereof throughout the world to issue and/or grant any Letters Patent granted for each of the Invention Patents to Assignee, its successors and assigns, as the assignee of the entire interest in such Invention Patents.

IN WITNESS WHEREOF, each of the Assignors has executed this Assignment on the date(s) provided below.

Assignor : Andreas Kappel

Date: January 30, 2003

Signature: 



DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
**REGULATORY SEQUENCES CAPABLE OF CONFERRING EXPRESSION OF A
HETEROLOGOUS DNA SEQUENCE IN ENDOTHELIAL CELLS IN VIVO AND USES
THEREOF**, the specification of which

_____ is attached hereto.

X was filed on April 12, 2000 (Attorney Docket No. VOSS1110)
as U.S. Application Serial No. 09/445,201
and was amended on _____
if applicable (the "Application").

I hereby authorize and request insertion of the application serial number of the Application when officially known.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, Code of Federal Regulations ("C.F.R."), § 1.56.

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.) (Filing Date)

(Application Serial No.) (Filing Date)

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of the Application:

<u>PCT/EP98/03318</u>	<u>6/3/98</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status)</u>
		(patented, pending, abandoned)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

COUNTRY APPLICATION NO. FILING DATE
Germany EP 97 10 8959.4 6/3/97

PRIORITY CLAIMED
☐ Yes ☐ No
☐ Yes ☐ No

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Georg Breier

Inventor's signature: G. Breier

Date: 24/3/2004

Residence: Eibenweg 1, 61231 Bad Nauheim, Germany

Citizenship: German

Post Office Address: Eibenweg, 1, 61231 Bad Nauheim, Germany

Full name of second inventor: Werner Risau (deceased)
signed by Barbara Risau as executor of his estate

Inventor's signature: B. Risau


Date: 07/04/2004

Residence: Pinienweg 11 48165 Munster, Germany

Citizenship: German

Post Office Address: Pinienweg 11 48165 Munster, Germany

Full name of third inventor: Volker Rönicke

Inventor's signature: 

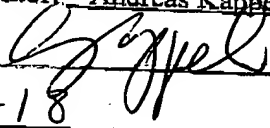
Date: 14/03/2004

Residence: Neufriedenheimerstr. 82a, 81375, Munchen, Germany

Citizenship: German

Post Office Address: Neufriedenheimerstr. 82a, 81375, Munchen, Germany

Full name of fourth inventor: Andreas Kappel

Inventor's signature: 

Date: 2004-04-18

Residence: Am Wiesenhof 9, 61462 Koenigstein

Citizenship: German

Post Office Address: Am Wiesenhof 9, 61462 Koenigstein